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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,624	03/12/2001	Glen McLean Harris	HARR-004	3168
7590	05/21/2004		EXAMINER	
Michael S. Neustel Suite No. 4 2534 South University Drive Fargo, ND 58103			AU, SCOTT D	
			ART UNIT	PAPER NUMBER
			2635	/0

DATE MAILED: 05/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/804,624	HARRIS ET AL.
	Examiner Scott Au	Art Unit 2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3/1/04 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 01 March 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 7-25 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 7-25 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>6/8/09</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

This communication is in response to applicant's response to an Amendment A which is filed March 1, 2004.

An amendment A to the claims 7-19 have been entered and made of record in the Application of Harris et al. for an "Remote control multimedia content listing system" filed March 12, 2001. The new set claims 20-25 are introduced.

Claims 1-17 are pending.

Claims 1-6 are canceled.

Response to Arguments

Applicant's arguments with respect to claims 7 and 11 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 11-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Van

Ryzin et al. (US# 6,255,961).

Referring to claim 11, Van Ryzin et al. disclose a method of using a remote control multimedia content listing system, said method comprising the steps of: accessing a web page of a control station (col. 5 lines 25-40);

inputting media data into said web page (col. 5 lines 25-40); and generation a configuration data for said electronic system that allows said electronic system to display a media guide, and wherein said configuration data determines what control signals are transmitted by said electronic system to at least one electronic device based upon a media selection for activating said media selection (col. 5 line 40 to col. 6 line 29).

Referring to claim 20, Van Ryzin et al. disclose a method of programming a remote control, wherein said remote control is capable of controlling at least one electronic device (col. 1 lines 40-48), said method comprising:

accessing a control station (col. 5 lines 25-40);
inputting at least one media data into said control station (col. 5 lines 25-40);
generating a configuration data by said control station for said remote control that allows said remote control to display a media guide, and wherein said configuration data determines what control signals are transmitted by said remote control to at least one electronic device based upon a media selection for activating said media selection (col. 5 lines 30-67);
transferring said configuration data to said remote control (col. 5 lines 53-56);
selecting a media event to be accessed upon at least one electronic device (col. 5 lines 57-60); and
transmitting a control signal from said remote control to at least one electronic device to play said media event based upon said configuration data (col. 5 lines 57-60).

Referring to claim 12, Van Ryzin et al. disclose the method of using a remote control multimedia content listing system of claim 11, including the step of:

(d) transferring said configuration data to an electronic system, wherein said electronic system is capable of controlling one or more electronic devices (col. 1 lines 40-48 and col. 5 lines 53-56).

Referring to claims 13 and 21, Van Ryzin et al. disclose the method of using a remote control multimedia content listing system of claims 12 and 20, including the step of:

(e) storing said configuration data within said electronic system (col. 5 lines 53-56).

Referring to claims 14 and 22, Van Ryzin et al. disclose the method of using a remote control multimedia content listing system of claims 13 and 20, including the step of:

(f) displaying said media guide upon said display within said remote control (col. 5 lines 60-67 and col. 7 lines 17-20; see Figures 5-7).

Referring to claims 15 and 23, Van Ryzin et al. disclose the method of using a remote control multimedia content listing system of claims 11 and 20, wherein said media guide includes a television guide (col. 5 lines 25-40).

Referring to claims 16 and 24, Van Ryzin et al. disclose the method of using a remote control multimedia content listing system of claims 11 and 20, wherein said media guide includes a music guide (col. 6 lines10-30).

Referring to claims 17 and 25, Van Ryzin et al. disclose the method of using a remote control multimedia content listing system of claims 16 and 24, wherein said music guide is comprised of information relating to music media contained within a user's home stereo system (col. 6 lines10-30).

Referring to claim 18, Van Ryzin et al. disclose the method of using a remote control multimedia content listing system of claim 16, wherein said music guide is comprised of information relating to compact discs contain within a user's home stereo system (col. 6 lines10-30).

Referring to claim 19, Van Ryzin et al. disclose the method of using a remote control multimedia content listing system of claim 18, including the steps of:

(d) selecting a media event to be displayed or listened to by said user (col. 6 lines 10-30).

(e) transmitting a control signal to an electronic device to play said media event (col. 5 lines 55-67).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Ryzin et al. (US# 6,255,961).

Referring to claim 7, Van Ryzin et al. disclose a method of using a remote control multimedia content listing system, said method comprising the steps of:

- (a) entering a media record into said electronic system, wherein said electronic system is capable of controlling one or more electronic devices (col. 3 lines 60-67 and col. 4 lines 19-25);
- (b) storing said media record within said electronic system (col. 4 lines 25-40);
- (c) repeating step (a) and (b) for addition media records;
- (d) uploading said media record to said control station (col. 5 lines 25-40);
- (e) determining an identity of media that corresponds with each said media record (col. 5 lines 25-40); and
- (f) generating a configuration data for said electronic system that allows said electronic system to display a media guide, and wherein said configuration data

Art Unit: 2635

determines what control signals are transmitted by said electronic system to at least one electronic device based upon a media selection for activating said media selection (col. 5 lines 30-67).

However, Van Ryzin et al. as silent on teaching step (c) repeating step (a) and (b) for addition media media records.

Van Ryzin et al. disclose in Figure 6 that one or more artists can be selected. The artist can be selected between Mariah Carey and Chet Atkins. This indicates that the remote device is capable of storing multiple media records.

One skilled in the art recognizes inputting multiple record data and storing in memory of remote device of Van Ryzin et al. to upload into the web page. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to have the remote device capable of storing various of record data with the motivation for doing so would allow convenience for the user to use the remote device.

Referring to claim 8, Van Ryzin et al. disclose the method of using a remote control multimedia content listing system of claim 7, including the step of:

(g) transferring said configuration data to said electronic system (col. 5 lines 53-56).

Referring to claim 9, Van Ryzin et al. disclose the method of using a remote control content listing system of claim 8, including the step of:

(h) storing said configuration data within said electronic system (col. 5 lines 53-56).

Referring to claim 10, Van Ryzin et al. disclose the method of using a remote control content listing system of claim 9, including the step of:

(i) displaying said media guide upon said display (col. 5 lines 60-67; see Figure 5-7).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Au whose telephone number is (703) 305-4680.

The examiner can normally be reached on Mon-Fri, 8:30AM – 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached at (703) 305-4704. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-872-3906.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-3900.

Scott Au

SA

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